

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

Karen Scharenberg
N4706 19th Ave.
Montello, WI 53949

Plaintiff,

Case No: _____

-vs-

Rausch, Sturm, Israel & Hornik, S.C.

2448 South 102nd Street

Milwaukee, WI 53227

Registered Agent: Robert Hornik

2448 South 102nd Street, Suite 210

Milwaukee, WI 53227

-and-

Robert Hornik

2448 South 102nd Street, Suite 210

Milwaukee, WI 53227

Defendants.

Complaint

Plaintiff, by her attorneys Krekeler Strother, S.C., as and for a complaint against the above-named defendant, hereby allege as follows:

1. Plaintiff is a Wisconsin individual residing at the address shown in the caption hereto.
2. Defendant **Rausch, Sturm, Israel & Hornik S.C.** (hereinafter, RSIH) is a Wisconsin service corporation with a principle place of business and registered agent as shown in the caption hereto. RSIH is engaged in the business of collecting debts on behalf of creditors.

Jurisdiction of the Court and Venue

3. Plaintiff brings this action under 15 U.S.C. 1692k, asserting original jurisdiction of this court for civil actions arising under the laws of the United States.
4. Plaintiff also brings certain claims as denoted herein pursuant to 28 U.S.C. 1367, asserting supplemental jurisdiction over those claims herein which do not arise under the laws of the United States but which are part of the same case and controversy alleged herein.

Factual Background:

5. Plaintiff realleges and incorporates all the foregoing as though set forth fully at this point.
6. Plaintiff, prior to suit, borrowed money from two different credit card companies for personal and household reasons.
7. Each creditor has claimed that plaintiff was in default on that debt to that creditor.
8. Each credit card company retained RSIH to collect the alleged debt from plaintiff.
9. RSIH filed two lawsuits, one for each creditor.
10. Neither complied with Wisconsin Rules of Pleading.

First Cause of Action:
Violations of Federal Fair Debt Collection Practices Act.

11. Reallege and incorporate the foregoing as though set forth fully at this point.
12. Defendant RSIH uses the mails for their business, the principle purpose of which is the collection of debts owed to another.

13. Defendant RSIH has violated the Federal Fair Debt Collection Practices Act (hereinafter, "FDCPA") in filing a complaint on May 5, 2005 on behalf of one by unfairly filing an illegal complaint, in violation of 15 U.S.C. 1692f.
14. By virtue of said violation of the FDCPA, plaintiff has suffered damages and is entitled to recover from RSIH her actual damages, statutory damages not to exceed \$1,000, and her reasonable attorney's fees incurred in this litigation.

Second Cause of Action:
Violations of Wisconsin Consumer Act.

15. Reallege and incorporate the foregoing as though set forth fully at this point.
16. Scharenberg's debts to each creditor were incurred by purchasing goods and services on credit.
17. RSIH's attempt to collect said debts by filing both illegal complaints were attempts to enforce a right to payment of the debt with reason to know said right did not exist, in violation of Wisconsin statute section 427.104(1)(j).
18. By virtue of said violation of the Wisconsin Consumer Act, plaintiff has suffered damages and is entitled to recover from RSIH and her actual damages, and an additional penalty equaling the greater of statutory damages or her actual damages, and her reasonable attorney's fees and costs incurred in this litigation.

Wherefore, plaintiff respectfully requests that the court find that defendants have violated the federal Fair Debt Collection Practices Act and Wisconsin Consumer Act, and award her compensatory damages in an amount to be determined by the court, and award her statutory damages in an amount to be determined by the Court, and award her costs and reasonable attorney's fees as allowed by law, and award her any other relief the court deems just and equitable.

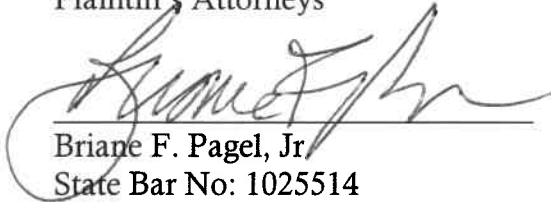
PLAINTIFF DEMANDS A JURY TRIAL ON ALL ISSUES IN THIS ACTION.

Dated: **May 1, 2006**

BY:

Krekeler Strother, S.C.

Plaintiff's Attorneys

A handwritten signature in black ink, appearing to read "Brian F. Pagel, Jr.", is written over a horizontal line.

Brian F. Pagel, Jr.

State Bar No: 1025514

Plaintiff Attorney

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